



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WILLIEETTA M. SMITH,  
Plaintiff,

vs.

NDEX WEST, LLC; AMERICA'S  
SERVICING COMPANY, and DOES  
1-50, inclusive,  
Defendants.

Case No.: CV-09-00129 R (RCx)  
Judge Manuel L. Real  
Ct rm 8 - Spring Street

~~(PROPOSED)~~ JUDGMENT

Complaint filed: October 29, 2008

The motion of Defendant Wells Fargo Bank, N.A. dba America's Servicing Company (erroneously sued as America's Servicing Company) ("Wells Fargo") to dismiss Plaintiff Willieetta M. Smith's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) and 12(e) for failure to state a claim upon which relief can be granted came on regularly for hearing on March 30, 2009 at 10:00 a.m. before the Honorable Manuel L. Real. Jarlath M. Curran, II of the Law Firm of Severson & Werson appeared on behalf of Defendant Wells Fargo. There were no appearances by or on behalf of Plaintiff.

After considering the moving papers as well as all opposition papers, if any, and good cause appearing:

1       **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Wells  
2 Fargo's motion to dismiss is granted.

3       **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that  
4 Plaintiff's complaint is dismissed with prejudice as to Wells Fargo Bank, N.A. dba  
5 America's Servicing Company (erroneously sued as America's Servicing  
6 Company). Plaintiff is to recover nothing from Wells Fargo.

7       **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that MW  
8 Roth PLC and or Mitchell Roth, jointly and severally, shall reimburse Plaintiff any  
9 monies paid to file or pursue this lawsuit.

10       **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that MW  
11 Roth PLC and or Mitchell Roth, jointly and severally, shall pay Wells Fargo the  
12 sum of \$2,654.30, which constitutes the attorney's fees and costs incurred by Wells  
13 Fargo in defending this action.

14       **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the  
15 Notice of Pendency of Action (Lis Pendens) recorded on October 30, 2008 in the  
16 Official Records of the Los Angeles County Recorder's Office as Instrument  
17 Number 20081930018 is hereby expunged.

18  
19  
20 DATED: June 17, 2009

  
\_\_\_\_\_  
HONORABLE MANUEL L. REAL